

**FILED****UNITED STATES DISTRICT COURT**

for the

**MAY 20 2008**

Eastern District of California

**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**  
BY \_\_\_\_\_ DEPUTY CLERK

United States of America

)

v.

)

MARCOS ENRIQUE GARCIA

)

Date of Previous Judgment: June 10, 2005

(Use Date of Last Amended Judgment if Applicable)

) Case No: 2:03CR0549-02) USM No: 14908-097) David M. Porter, AFD

) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 67.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 135 to 168 months Amended Guideline Range: 108 to 135 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

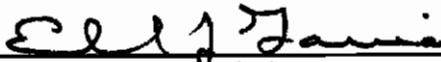
The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

This sentence consists of 67 months on each of Counts 1 through 6, all to be served concurrently.

Except as provided above, all provisions of the judgment dated 6/10/ 2005 shall remain in effect.

**IT IS SO ORDERED.**Order Date: May 13, 2008

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)EDWARD J. GARCIA, SR. U. S. DISTRICT JUDGE  
Printed name and title